

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-11260

Hon. Marianne O. Battani

v.

Magistrate Judge R. Steven Whalen

SHIRLEY WILSON,

Defendant,

and

CHARTER ONE BANK,

Garnishee.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING DEFENDANT'S
OBJECTION TO WRIT OF GARNISHMENT**

Plaintiff filed its Complaint alleging Defendant defaulted on her student loan and obtained a default judgment in the amount of \$6,472,29, plus postjudgment interest. The Court subsequently issued a writ of continuing garnishment as to Defendant Shirley Wilson and Charter One Bank. Thereafter Wilson filed a request for a hearing (Doc. No. 28). She claims she repaid the loan in question 22 year ago and also that her funds are exempt because they derive from Social Security benefits.

The Court subsequently referred this matter to Magistrate Judge R. Steven Whalen for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). He scheduled a hearing for January 2, 2008. Defendant failed to appear.

In a Report and Recommendation ("R&R") dated May 28, 2008, Magistrate Judge Whalen recommended that Defendant's objection be denied. The Court has reviewed the pleadings and has conducted a *de novo* review of the R&R. The Court finds the R&R accurately articulates the law and presents a well-reasoned, persuasive analysis of the application of governing law to the facts of this case.

The Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 10-11. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **DENIES** Defendant's objection to garnishment of her Charter One Bank Account.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: June 23, 2008

CERTIFICATE OF SERVICE

Copies of this Order were e-filed and/or mailed to Defendant and counsel of record on this date.

s/Bernadette M. Thebolt
Deputy Clerk